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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/775,626	02/05/2001	Takeshi Katayama	Q61668	8346

7590   11/14/2006

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EXAMINER
SAIN, GAUTAM

ART UNIT	PAPER NUMBER
2176	

DATE MAILED: 11/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action **Before the Filing of an Appeal Brief**	Application No. *09/775,626*	Applicant(s) KATAYAMA ET AL.	
	Examiner Gautam Sain	Art Unit 2176	

--The *MAILING DATE* of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>23 October 2006</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

    a) ☒ The period for reply expires <u>3</u> months from the mailing date of the final rejection.

    b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

        Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

    (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

    (b)☐ They raise the issue of new matter (see NOTE below);

    (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

    (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

        NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

    The status of the claim(s) is (or will be) as follows:

    Claim(s) allowed: _____.

    Claim(s) objected to: _____.

    Claim(s) rejected: _____.

    Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.

13. ☐ Other: _____.

Heather R. Herndon
Heather R. Herndon
Supervisory Patent Examiner
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GS.
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Continuation of 11. does NOT place the application in condition for allowance because: Regarding claims 1-53, First, Applicant argues that the Palmer reference does not teach as to the size of the dummy data in relation to the data of the unreceived part (Remarks, page 3, bottom). The examiner disagrees, the user of Palmers system can perform editing functions with the dummy data region prior to reciept of the dummy data. For example, formatting extension (item 42) displays on the user interface in order to permit the user to perform aditional formatting functions, such as scaling options to fit a graphical variable data object to the variable data area (col 5, lines 45-49). This formatting occurs on the variable data, prior to receipt of the actual data. Applying the broadest reasonable interpretation of the claims, the user or the system can know about the data, so long as it has not been received. The examiner assumes unreceived means that it is unreceived by the page, which means the data can be received by the a computer and stored in a separate file or a database, so long as it is not received by the page, it is considered not received. Applicant argues that Examiner's contention, that the size of the dummy parts data must be coextensive with the size of the unreceived part in order to provide a placeholder function, is incorrect because scaling can occur to fit the data suggests that dummy data may not coincide with the unreceived part(Remarks, page 3, bottom - page 4, top). The examiner disagrees. The user can identify a field that specifies particular variable data objects to be presented within the variable data areas so that the variable data objects may be retrieved from a database during post-processing (col 7, lines 44-54). So, the user (who may know the size of the data in the database) can scale the variable data field to be the same size as the data in the database so at the time of post-processing, the system plugs the actual data into the spots occupied by the variable data field, and the system does not have to resize the field to adjust . Third, Applicant argues that if the scaling is applied to data as a form of editing, then the editing is clearly on a data that is already received. The examiner disagrees. Palmer's formatting functions are associated with the dummy data region of the base document in order to fit the grapical variable data (in the future). The scaling is performed prior to the actual data entering the document and not performed on actual data. The Applicant argues against the Laverty reference and that it does not make up for the deficiciencies of Palmer. The examiner disagrees and maintains the rejection under Laverty (see rejection for details). .